

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,  
Plaintiff,

v.

Case No. \_\_\_\_\_  
JURY TRIAL DEMANDED  
VERIFIED

THE UNITED STATES, UNITED STATES  
DEPARTMENT OF STATE, PENNSYLVANIA  
STATE POLICE, COUNTY OF LEHIGH PENNSYLVANIA,  
UPPER MACUNGIE TOWNSHIP, THE MACMAIN  
LAW GROUP LLC, DAVID J. MACMAIN, MATTHEW  
J. CONNELL, BRIAN H. LEINHAUSER, DAVID M.  
BACKENSTOE, and JOSEPH N. HANNA,  
COMPLAINT

**RECEIVED**  
FEB 11 2019  
CLERK, U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

TAKE JUDICIAL COGNIZANCE

A. Executive Order 13825 concerning 2018 Amendments to the Manual for Courts-Martial, United States (March 1, 2018) effective January 1, 2019.<sup>1</sup>

B. Executive Order 13818—Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption (December 20, 2017).

**FIRST CAUSE OF ACTION – TRESPASS ON THE CASE -**

1. Edward Thomas Kennedy, (hereinafter "Kennedy" or "Plaintiff") is one of the people of Pennsylvania, in this court of record, states he is a Papal Knight since 2008 with self-authenticating evidence link here at <http://smoch.org/nepal.php> under FRE Rule 902<sup>2</sup> and he is an ordained Roman Catholic missionary priest (Eastern Rite)<sup>3</sup> since 2013.

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<sup>1</sup><https://www.federalregister.gov/documents/2018/03/08/2018-04860/2018-amendments-to-the-manual-for-courts-martial-united-states>

<sup>2</sup> Rule 902. Evidence That Is Self-Authenticating

<sup>3</sup> Apostilled on Nevis, BVI, and a gift from Cardinal Bertone, Vatican Secretary of State Emeritus.

2. The fact of the matter is Kennedy took an optional oath to God of poverty, and his oath worked and he is, therefore "poor."<sup>4</sup>

3. Kennedy is trained in law by the Vatican and his Sacred Medical Order Knights (a Hospitaller Order), evidence under FRE Rule 902, digital picture Kathmandu, Nepal, March 19, 2009, link her,<sup>5</sup> in this court of record complains of each of the following: The United States, United States Department of State ("DOS"), Pennsylvania State Police ("PSP"), County of Lehigh Pennsylvania, Upper Macungie Township Pennsylvania, Joseph N. Hanna, in his personal and official capacity, The Macmain Law Group LLC, David J. Macmain, Matthew J. Connell, Brian H. Leinhauser, and David M. Backenstoe, hereinafter "Defendant," and "Defendants;" who are each summoned to answer and declare under penalty of perjury, in a plea of trespass on the case, Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968<sup>6</sup> claims, trespass on the case - vicarious liability, failure to provide a republican form of government and privacy violations, intentional infliction of emotional distress, and negligence, to wit:

### **STATEMENT OF THE CASE**

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<sup>4</sup> Kennedy's oath, however, is ended but he is still poor.

<sup>5</sup> <http://smoch.org/nepal.php>

<sup>6</sup> 18 U.S. Code § 1961 - Elements of Racketeering et seq.

Racketeering encompass a wide range of criminal activities that are directed towards generating a profit.

The actual income-generating activities may constitute a criminal offense. Upper Macungie Township, an organized criminal enterprise, and a transnational criminal organization, pursued financial fraud evidenced herein from the official public record, Said activity may also expose County of Lehigh and Upper Macungie Township to prosecution under the federal mail and wire fraud statutes, and now in this state of emergency, military law. Efforts by defendants to conceal the criminal nature of these activities

4. Each Defendant exceeded their jurisdiction by either directly, through an agent, or in concert with another did cause Kennedy to be unlawfully injured against his will, without jurisdiction or good cause.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and Treaty Law.

6. Jurisdiction is also proper pursuant to the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968.<sup>7</sup>

7. The venue is proper in this district pursuant to 28 U.S.C. § 1391(d) and 28 U.S. Code § 1391(e).

### **FACTS AND PARTIES**

8. Defendant Joseph N. Hanna ("Hanna", without good cause, carried Kennedy away without permission, to Defendant County of Lehigh prison.<sup>8</sup> Defendant DOS failed to protect Kennedy in violation of Treaty law.

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<sup>7</sup> 18 U.S. Code § 1961 - Elements of Racketeering et seq.

Racketeering encompass a wide range of criminal activities that are directed towards generating a profit.

The actual income-generating activities may constitute a criminal offense. Upper Macungie Township, an organized criminal enterprise, and a transnational criminal organization, pursued financial fraud evidenced herein from the official public record, Said activity may also expose County of Lehigh and Upper Macungie Township to prosecution under the federal mail and wire fraud statutes, and now in this state of emergency, military law. Efforts by defendants to conceal the criminal nature of these activities may also constitute criminal offenses.

<sup>8</sup> Kennedy believes Hanna enforces Sharia Law and not US law, based on hearsay evidence, and is probably guilty of treason under military law, now effective in the republic, and fraud for his Bond of Office and Commission, Exhibit 4, attached, deemed to be fake for it violates U.S. law.

9. Pennsylvania State Police ("PSP") is a corporation. Defendant County of Lehigh is a corporation. Defendant Upper Macungie Township Pennsylvania is a political subdivision of County of Lehigh and a corporation.

10. Defendant County of Lehigh and its subdivision Upper Macungie Township are a criminal enterprise and said criminal enterprise and its employees, attorneys, agents, and law firms have a duty not to injure Kennedy in loss of rights.

11. Defendant Joseph N. Hanna is Sheriff, a police officer, and is employed by the Defendant County of Lehigh.

12. Defendant The MacMain Law Group LLC, is a corporation.

13. Defendants David J. Macmain, Matthew J. Connell, and Brian H. Leinhauser are partners at Defendant The MacMain Law Group LLC<sup>9</sup> and are employed by Defendant Upper Macungie Township.

14. David M. Backenstoe is an attorney employed by Defendant County of Lehigh.

15. The United States is a corporation.

16. United States Department of State is part of the Executive branch of the federal government.

17. Plaintiff Kennedy files this complaint on his common-law Tort, Treaty law violations and RICO claims. Judgment, in this case, must be granted upon proper motion, because the self-authenticating financial evidence establishes elements of plaintiff's claims listed herein:

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<sup>9</sup> <https://macmainlaw.com/attorneys/>

- a. as a matter of law,<sup>10</sup>
- b. Executive Orders listed hereinabove,
- c. the fact that the County of Lehigh and Upper Macungie Township use alternative metrics to avoid generally accepted accounting principles (GAAP), with intentions to commit financial fraud, by defendants, for personal economic and private gain, evidenced by their employees participation in the State of Pennsylvania pension benefits plan,
- d. it is a financial fraud crime to lie, misreport or misconstrue information by the government in published financial reports under RICO law,
- e. Human Rights Abuse and Corruption by defendants against Plaintiff Kennedy by Defendants County of Lehigh, Upper Macungie township, Hanna, Macmain and Backenstoe in Pennsylvania prisons where Kennedy suffered and witnessed solitary confinement of other prisoners in violation of U.S. law, U.S. Treaty law and the Universal Declaration of Human Rights.<sup>11</sup>
- f. Defendant Macmain dishonored Kennedy's offer to settle letter of November 29, 2018, on December 7, 2018.
- g. Defendant Backenstoe dishonored Kennedy's offer to settle letter of November 29, 2018, on December 7, 2018.

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<sup>10</sup> It is well-settled that "the provisions of RICO shall be liberally construed to effectuate its remedial purposes." U.S. v. Eisenberg, 773 F. Supp. 662 (D.N.J. 1991)

<sup>11</sup> <http://www.un.org/en/universal-declaration-human-rights/>

h. Defendants United States and United States Department of State have a duty and obligation to protect Kennedy under Treaty Law under privileges and immunities of Diplomats and specifically under the Lateran Treaty.<sup>12</sup>

18. From the moment he was harmed until the present, Kennedy, under color of law, was kept in constructive imprisonment by the defendants.<sup>13</sup>

19. Each defendant today acted in such a way or failed to act in such a way, that Kennedy is injured and damaged.

20. Each defendant acted to deprive Kennedy of his liberty, and/or each defendant failed to act to prevent the loss by Kennedy of his liberty. Further, each defendant is a willing participant in concert with each of the remaining defendants.

21. At all times mentioned in this action each defendant is the agent of the other, and in doing the acts alleged in this action, each is acting within the course and scope of the said agency.

22. The following paragraphs describe what the defendants, under color of law, either acted or failed to act as obligated.

23. Each defendant exceeded his jurisdiction under color of law. Each defendant acted in concert with the remaining defendants to affect the unlawful loss of liberty of Kennedy, his good reputation, and his ability to earn a living.

24. Kennedy was damaged and injured by Defendant Backenstoe in loss of privacy

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<sup>12</sup> Evidence: Public Notice published in a Legal Newspaper by Chevalier Reverend Edward Thomas Kennedy Sept 27, Oct 4 and Oct 11, 2017.

<sup>13</sup> In 1913, The United States was conquered by secrecy and stealth by an international criminal enterprise that includes British Banks and the Federal Reserve System by controlling the nation's banks and money. This violates US law, Human Rights and the US Constitution at Article I, Section 8.

rights in Eastern District of Pennsylvania (E.D. Pa.), Case No. 18-cv-977 (CDJ), Kennedy v Hanna, et al. violated Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1<sup>14</sup> when Backenstoe failed to redact Kennedy's date of birth and his d Diplomatic Passport number in ECF document 33, page 36 of 36,<sup>15</sup> ~~Exhibit 2 herein attached.~~ 577C. 2.6.2019

25. Kennedy was damaged and injured by Defendant Macmain and his law firm in loss of privacy and rights in the Eastern District of Pennsylvania (E.D. Pa.), Case No. 18-cv-977 (CDJ), Kennedy v Hanna, et al. violated Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1<sup>16</sup> when Backenstoe failed to redact Kennedy's date of birth and Diplomatic Passport number in ECF document 11, filed 03/06/18 page 7 of 7,<sup>17</sup> ~~Exhibit 3 herein attached.~~ 577C. 2.6.2019

26. Defendants have breached that duty, and their fiduciary duty to one of the people, Kennedy.

27. The damages for the injury caused by defendants' actions are \$5,000 for each day of unlawful behaviors for each defendant, or \$100,000.00 from each defendant, whichever is greater.

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<sup>14</sup>Source:pacer.gov, quote,

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments. Unquote.

<sup>15</sup> This is Evidence That Is Self-Authenticating under Rule 902. Evidence That Is Self-Authenticating.

A self-authenticating document, under the law of evidence in the United States, is any document that can be admitted into evidence at a trial without proof being submitted to support the claim that the document is what it appears to be

<sup>16</sup>Source:pacer.gov, quote,

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments. Unquote.

<sup>17</sup> This is Evidence That Is Self-Authenticating under Rule 902. Evidence That Is Self-Authenticating.

28. The damages for the injury caused by the defendant's' absence of required action is \$5,000 for each failure to act or \$500,000.00 from each defendant, whichever is greater.

29. The damages claimed are all a result of the injuries.

**SECOND CAUSE OF ACTION - RICO - RACKETEER INFLUENCED AND  
CORRUPT ORGANIZATIONS ACT VIOLATIONS**

30. Paragraphs 1 through 29 is included by reference as though fully stated herein.

31. Kennedy sues Defendants in a multi-count cause of action under common law Torts and also under The Racketeer Influenced and Corrupt Organizations Act commonly referred to as RICO Act or simply RICO, a US federal law that provides for extended criminal penalties and a civil cause of action for injuries for acts performed as part of an ongoing criminal organization<sup>18</sup> including RICO violations that includes the following:

a. The Defendants have systematically and continuously, over the last ten (10) years and more, conducted a corrupt enterprise in violation of the Racketeer Influenced and Corrupt Organization ("RICO") Act, all of which acts are continuing in nature.

b. As grounds, therefore beginning in 2008 to the present, Defendants misstated, misinformed and filed fake financial records on government websites, supported by

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<sup>18</sup> 18 U.S. Code § 1961 - Elements of Racketeering et seq.  
Racketeering encompass a wide range of criminal activities that are directed towards generating a profit. The actual income-generating activities may constitute a criminal offense. County of Lehigh., an organized criminal enterprise, and a transnational criminal organization, pursued financial fraud evidenced herein from the official public record.

self-authenticating digital evidence.

c. The Elected Official Commission and Bond for Defendant Hanna, Exhibit 4 certified copy herein attached, is self-authenticating under FRE Rule 902 and is a fraud or fake, for it is in Hanna's nickname and not full legal name as required by US law.<sup>19</sup>

32. The damages claimed are all a result of the injuries.

### **THIRD CAUSE OF ACTION – TRESPASS ON THE CASE -VICARIOUS LIABILITY AND PRIVACY VIOLATIONS**

#### **Common Law Tort**

33. Paragraphs 1 through 32 is included by reference as though fully stated herein.

34. Power is never without responsibility. And when authority derives in part from Government's thumb on the scales, the exercise of that power by defendant Petrus is closely akin, in some respects, to its exercise by Government itself.

35. The purpose of imposing vicarious liability is to ensure the costs of injuries resulting from defective actions are placed on the source of the actions and others who make the actions possible rather than on injured persons who are powerless to protect themselves.

36. For a defendant to be vicariously liable it must play an integral and vital part in the overall production and promotion activity so that the actor is in a position to

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<sup>19</sup> According to 6 CFR 37.3 (Title 6 - Homeland Security; Chapter I - Department Of Homeland Security, Office Of The Secretary; Part 37 -Real Id Driver's Licenses And Identification Cards; Subpart A – General), Full legal name means “an individual's first name, middle name(s), and last name or surname, without use of initials or nicknames.”

affect others or, at the very least, it must provide a link in the chain of exposing the ultimate victim to the actor.

37. The vicariously liable defendant must be in the business of controlling, leasing, bailing or licensing the actors.

38. Each defendant is an agent of the other, and each has his place in the chain of exposing plaintiff Kennedy to the actors.

39. Each defendant is vicariously liable for each instance of injury to the plaintiff.

40. The damages claimed are all a result of the injuries.

**FOURTH CAUSE OF ACTION – FAILURE TO PROVIDE A REPUBLICAN  
FORM OF GOVERNMENT AND PRIVACY VIOLATIONS**

41. Paragraphs 1 through 40 is included by reference as though fully stated herein.

42. Kennedy wishes Defendants to not breach their fiduciary duty to Kennedy. Kennedy wishes Defendants to not breach their oaths of offices.

43. Kennedy wishes Defendants not to lie, mislead, misconstrue, misrepresent and/or put false information into either this court of record or the official public record.

The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4). No state may join the United States unless it is a Republic.

44. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority.

45. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

46. The business model of Defendants United States Department of State, County of Lehigh, Upper Macungie Township, and its lawyers, Defendants Macmain and Backenstoe, its law firm, The MacMain Law Group LLC are based on a foundation of deceptions, lies and fraud.

47. The damages claimed are all a result of the injuries.

**FIFTH CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

48. Paragraphs 1 through 47 is included by reference as though fully stated herein.

49. Elements of intentional infliction of emotional distress as a tort is as follows: (1) the defendant must act intentionally or recklessly; (2) the defendant's conduct must be extreme and outrageous, and (3) the conduct must be the cause (4) of severe emotional distress. Kennedy says all four elements are met.

50. The damages claimed are all a result of the injuries.

**SIXTH CAUSE OF ACTION – NEGLIGENCE**

51. Paragraphs 1 through 50 is included by reference as though fully stated herein.

52. In order for plaintiff Kennedy to prove for negligence, he must prove all of the

elements. The evidence herein determines the following elements were satisfied:<sup>20</sup>

Duty, Breach of Duty, Cause in Fact, Proximate Cause and Damages.

53 In U.S. Courts, all filers must redact the following: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and in criminal cases, home addresses in compliance with Fed. R. App. P. 25(a)(5), Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, or Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

54. Defendants Macmain and Backenstoe agreed to protect Kennedy's private data in Case No. 18-cv-977 (CDJ), Kennedy v Hanna, et al. but failed to do so, injuring Kennedy in loss of rights and privacy.<sup>21</sup> Defendant PSP failed to protect Kennedy's private data by falsely reporting data that injured Kennedy in loss of education, education and housing.

55. The damages claimed are all a result of the injuries.

#### **LAW OF THE CASE**

56. Exhibit "1" is incorporated by reference as though fully stated herein. The date of the claim is the date of the hearing. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law.<sup>22</sup>

57. Notice

CONFIRMATIO CARTARUM, (conforming charter)

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<sup>20</sup> See Restatement of the Law, Second, Torts, § 652.

<sup>21</sup> Said defendants knowingly violated Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1#

<sup>22</sup> See the use of dictionaries by the Supreme Court of the United States, by Kevin Werbach, titled Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994).

October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court. This links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta.<sup>23</sup>

58. The Constitution of the United States of America: Analysis and Interpretation (popularly known as the Constitution Annotated) contains legal analysis and interpretation of the United States Constitution, based primarily on Supreme Court case law.

59. Modern Attorneys representing Defendants shall present paperwork sworn or declared under penalty of perjury in this court of record.

### **REQUEST FOR RELIEF**

60. For that cause of actions, therefore, Plaintiff brings his suit.

61. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

On all causes of action:

62. For general damages in the sum of \$5,000 for each day of unlawful behaviors for each defendant, or \$100,000.00 from each defendant, whichever is greater;

63. For damages for the injury caused by the defendant's' absence of required actions of \$5,000 for each failure to act; or \$500,000.00 from each defendant, whichever is greater;

64. That the court Order each defendant to compensate Kennedy \$100,000.00 under First Cause of Action - Trespass on the Case;

65. That the court Order defendant County of Lehigh to compensate Kennedy \$5,000,000 each for Second Cause of Action -RICO;

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<sup>23</sup> See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.

66. That the court Order each defendant to compensate Kennedy \$100,000.00 each for injury and damages under Third Cause of Action – Trespass on the Case - Vicarious Liability, Privacy Violations Common Law Tort;<sup>24</sup>

67. That the court Order defendant United States to compensate Kennedy \$5,000,000 each for Fourth Cause of Action, failure to provide a republican form of government;

68. That the court Order Defendants County of Lehigh, Macmain law Group LLC and Blacksestore to compensate Kennedy \$100,000.00 each for injury and damages under Fifth Cause of Action – Intentional infliction of emotional distress;

69. That the court Order all defendants to compensate Kennedy \$50,000 each under Sixth Cause of Action - Negligence;

70. Upon proper motion, Order defendants to compensate Kennedy for triple damages under RICO;

71. That the court enter a declaratory judgment that defendants have acted arbitrarily and capriciously, have abused their discretion and have acted not in accordance with law, but under color of law;

72. That the court enter a declaratory judgment that defendants have acted contrary to constitutional right, power or privilege;

73. That the court enter a declaratory judgment that defendants' actions were in excess of statutory jurisdiction, authority and short of statutory right;

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<sup>24</sup> Backenstoe may write in simple language, preferably a one or two page release. Parties mutually agree to release each other for all causes of action, all damages. Everybody releases everybody.

74. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and provide him with a lawful government;

75. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and honor their fiduciary duty to Kennedy;

76. That the court grant such, other and further relief as the court deems proper;

77. For interest as allowed by law;

78. For costs of suit incurred;

79. That the court expunge data and records that injured Kennedy in all Pennsylvania cases against and return all fines and fess paid by Kennedy;

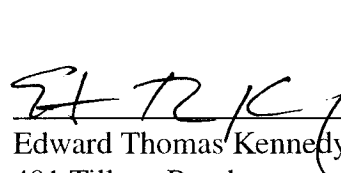
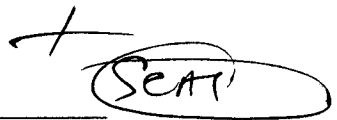
80. That the court grant his attorneys fees;

81. That the Court block the Property of the defendant County of Lehigh and its Attorneys who are involved in Serious Human Rights Abuse and Corruption;<sup>25</sup>

82. That the court Order defendants to stop solitary confinements in its prisons;

83. I, Edward Thomas Kennedy, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Date: February 6, 2019.

   
Edward Thomas Kennedy, Plaintiff  
401 Tillage Road  
Breinigsville, Pennsylvania  
Telephone: 415-275-1244.  
Fax: 570-609-1810.  
Email: pillar.of.peace.2012@gmail.com

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<sup>25</sup> Serious Human Rights Abuses occur daily in County of Lehigh prisons and in prisons in Frackville, PA. Defendants and others parties such as Attorney David Rice and magistrate Christina Hale have absolutely no plausible deniability for they witness the harmful effects these prisons have on inmates in their courtrooms.

Attached:

Exhibit 1, Law of the Case (15 pages)

Exhibit 2, Certified Commonwealth of Pennsylvania copy of The Elected Official Commission and Bond for Defendant Hanna.

Notice

Notice of Constitutional to Pennsylvania Attorney General Shapiro forthcoming.